

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Policy and Rules Concerning the)
Interstate, Interexchange Marketplace)
)
Implementation of Section 254(g) of the)
Communications Act of 1934, as)
amended)

CC Docket No. 96-61

RECEIVED
JAN 20 1998
FCC MAIL ROOM

COMMENTS IN SUPPORT OF THE
PETITION FOR FURTHER RECONSIDERATION
BY THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF COLORADO

Dated: January 16, 1998

The Public Utilities Commission of the State of Colorado ("COPUC") hereby submits its comments in support of a portion of the Petition for Further Reconsideration submitted by The Utility Reform Network and Telecommunications Management Information Systems Coalition on December 4, 1997.

I. INTRODUCTION.

On October 31, 1996, the Commission released its Second Report and Order in this docket, in which it required that nondominant interexchange carriers:

"... make publicly available information concerning current rates, terms, and conditions, for all of their interstate, domestic, interexchange services. The basis for the information disclosure requirement was to ensure that the public was provided with the information necessary to determine whether a nondominant interexchange carrier was adhering to the rate averaging and

0212
No. of Copies rec'd
List A B C D E

rate integration requirements of section 254 (g) of the Communications Act. In addition, we determined that a public disclosure requirement would promote the public interest by making it easier for consumers, including resellers, to compare service offerings.”¹

Subsequently, on August 20, 1997 the Commission released its Order on Reconsideration eliminating the requirement that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions for all of their interstate, domestic, interexchange services.²

II. DISCUSSION.

A. Rate Averaging and Rate Integration under Section 254(g).

The Telecommunications Act of 1996 required the Commission to adopt rules on rate averaging and rate integration. Responding to Section 254(g), the Commission required in its Second Report and Order that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions to ensure that the public was provided with the information necessary to determine whether a nondominant interexchange carrier was adhering to the rate averaging and rate integration requirements. If the Commission now eliminates this public disclosure requirement, it may deny the public the information necessary to determine compliance, and therefore obstruct public participation in the Commission’s achievement of the purposes of Section 254(g).

B. Elimination of Regulatory Burdens on Non-dominant Carriers.

During the transition to competition as contemplated by Congress, the Telecommunications Act of 1996 provided that the Commission forbear from regulation if such action is consistent with the public interest and will promote competitive market conditions.³ In its Second Report and Order, the Commission identified the tariff filing requirements for non-dominant interexchange carriers as unnecessary regulation and

¹ Second Report and Order, 11 FCC Rcd 20730 (1996), at 20776-77, paras. 84-85, as quoted in Order on Reconsideration, FCC 97-293.

² Order on Reconsideration, at para 5.

³ 47 U.S.C. § 160

determined that it would forbear from regulation by detariffing interstate, domestic, interexchange services of non-dominant carriers. However, in its Order on Reconsideration, the Commission went beyond forbearance from tariff regulation and eliminated the requirement that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions. In so doing, the Commission made it more difficult for consumers, including resellers, to compare service offerings during the transition to competition.

C. Telecommunications Consumers' Rights.

The COPUC Staff has developed a statement of Telecommunications Consumers' Bill of Rights in a Competitive Market. Among other consumer rights, it proposes that all consumers be provided with easily-understood descriptions of telecommunications services, and how much services will cost. In its Second Report and Order, the Commission removed the regulatory burden of tariffs while preserving public disclosure of current rates, terms, and conditions. The Order on Reconsideration, by eliminating public disclosure, may deny consumers access to information on rates, terms, and conditions for services offered by nondominant carriers.

D. Public Information Requirements.

By detariffing domestic, interstate, interexchange services offered by nondominant interexchange carriers, the Commission not only removed regulatory burdens, but also removed itself as a repository for information, a decision with which COPUC does not take issue. The Second Report and Order provided alternatively that the carriers, instead of the Commission, make information publicly available on current rates, terms, and conditions offered by those carriers. However, by now eliminating the public disclosure requirement on such carriers, the Order on Reconsideration has left the public without any explicit source of information which the public may need to intelligently make choices between carriers and services.

E. Elimination of Public Disclosure Not in Public Interest.

In its Second Report and Order, the Commission determined that a public disclosure requirement would promote the public interest by making it easier for consumers, including resellers, to compare service offerings. In its Order on Reconsideration, the Commission eliminated the requirement. If the former determination was correct, then elimination of a public disclosure requirement cannot be in the public interest. The Commission should consider that the action which is consumer friendly is the action which would promote the public interest. The elimination of public information requirements does not make it easier for consumers to compare service offerings, and, therefore, does not promote the public interest.

III. CONCLUSION:

Therefore, the Commission should reconsider that portion of its Order on Reconsideration

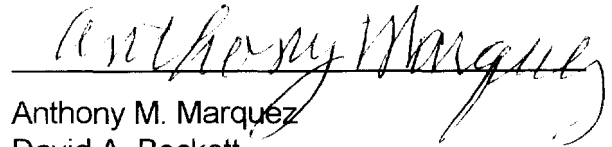
“ . . . eliminating the requirement that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions for all of their interstate domestic, interexchange services.”⁴

The Commission should require that nondominant interexchange carriers make publicly available information concerning current rates, terms, and conditions for all of their interstate, domestic, interexchange services as originally stated in its Second Report and Order for the reasons set forth therein.

⁴Order on Reconsideration, at para 5.

Wherefore, for the reasons set forth above, the Public Utilities Commission of the State of Colorado respectfully requests that the Commission grant further reconsideration of its August 20, 1997, Order on Reconsideration.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anthony Marquez", written over a horizontal line.

Anthony M. Marquez
David A. Beckett
Assistant Attorney General

Colorado Public Utilities Commission
1580 Logan Street - Office Level 2
Denver, CO 80203
(303) 894-2000